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March 16, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

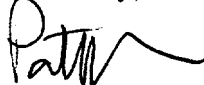
Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals - TW-A325  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: Ex Parte  
Bell Atlantic/GTE Merger  
CC Docket No. 98-184 ✓

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(1) and (2) of the Commission's rules, 47 C.F.R. Section 1.1206(b)(1) and (2), this letter will provide notice that on March 15, 2000, on behalf of MGC Communications, Inc. d/b/a Mpower Communications Corporation ("Mpower") the undersigned and Eric Branfman of this firm and Francis D.R. Coleman, Vice President, Regulatory Affairs, Mpower, met with Johanna Mikes and Michael Jacobs of the Policy and Program Planning Division of the Common Carrier Bureau concerning issues in the above-captioned proceeding. We presented the views set forth in the attachment to this letter which was provided to Ms. Mikes and Mr. Jacobs at the meeting.

Sincerely,



Patrick J. Donovan

cc: Johanna Mikes  
Michael Jacobs

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## Profile

- Founded in 1996, Mpower Communications Corp. (Formerly MGC Communications, Inc.) NASDAQ- MPWR
- Mpower is delivering the power of the internet to business customers nationwide over high-speed DSL (digital subscriber line) connectivity.
- One of the leading providers of facilities-based, integrated communication solutions using unbundled loops.
- Product offerings include
  - Fast internet access
  - Web hosting
  - Voice over DSL (VoDSL)
  - Local telephone
  - Custom calling features
  - Long distance services



## History

- Under the leadership of president and CEO Rolla P. Huff, the company is in an aggressive growth stage
- Revenue for 1999 was more than \$55 million, up from \$18 million the year prior
- The company ranked 12th in the Bloomberg tech 100 listing of the fastest-growing technology companies in the U.S. based on sales growth for the 1999 fiscal year
- Mpower currently operates in Southern California (including Los Angeles, San Diego and Orange County), Chicago, Atlanta, Southern Florida and Las Vegas
- Mpower plans to expand its footprint nationwide, and by year's end intends to offer service in the top 50 markets in the U.S.
- Mpower is currently working to develop strategic arrangements with e-commerce companies, such as its agreement with Purchasepro.Com

**The Commission Should Bring All Conditions Up to the SBC/Ameritech Conditions**

- 25% Promotional Discounts all on Loops (business and residential)
- 25% OSS Discount on All Loops Used to Provide Advanced Services, Including Loops Used for Both Voice and Data
- OSS Assistance for Small CLECs 30 (rather than 90) Days After Merger Closing
- Pre-merger audit and certification of compliance with the Collocation Order.
- Uniform Performance Conditions (NY, not CA)
- Uniform OSS
  - Within 24 Months of Merger Closing (not 24 months after collaboratives)
  - Uniform Across BA/GTE Footprint

**The Commission Should Impose Additional Conditions Not Contained in the SBC/Ameritech Order**

- Reasons
  - No 271 Requirement for GTE
  - Lack of Competition in GTE Territory Reflects More Anti-Competitive Practices
  - Bell Atlantic wants to acquire GTE to jump start LD entry
- Conditions
  - \* • Incentives for CLECs to Prosecute Non-Compliance
    - Recovery to prosecutor, not US Treasury
    - Fees and costs to prosecutor
  - \* • Arbitrated Terms and Conditions Should Be Available for In-Region MFN
    - Agreements should be posted on website

- \*   •   Pre-merger UNE Remand Compliance Audit and Plan
  - BA/GTE to provide implementing interconnection agreement language
  - Quarterly performance reporting
  - Dark fiber forecasts
  - Self enforcing penalties: automatic discounts, virtual customer or BA/GTE pay CLEC for lost service
  
- Third Party OSS Testing for GTE
  
- Pre-approval of Separate Advanced Services Affiliate Plans
  - Offer plan for comment
  
- \*   •   Obligation to Build UNE Dark Fiber

**How Can Mpower Be of Assistance to the Commission?**